UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/46/23 (Part VI)
9 October 1991

ORIGINAL: ENGLISH

Forty-sixth session
Agenda item 19

REPORT OF THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES*

(covering its work during 1991)

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CHAPTER IX

AMERICAN SAMOA, ANGUILLA, BERMUDA, BRITISH VIRGIN ISLANDS, CAYMAN ISLANDS, GUAM, MONTSERRAT, TOKELAU, TURKS AND CAICOS ISLANDS, UNITED STATES VIRGIN ISLANDS, TRUST TERRITORY OF THE PACIFIC ISLANDS, PITCAIRN, ST. HELENA

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* This document contains chapter IX of the Special Committee's report to the General Assembly. The general introductory chapter will be issued under the symbol A/46/23 (Part I). Other chapters of the report will be issued under the symbol A/46/23 (Parts II-V and VII). The complete report will be issued subsequently as Official Records of the General Assembly, Forty-sixth Session, Supplement No. 23 (A/46/23).

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A. Introduction

1. At its 1377th meeting, on 21 February 1991, by adopting the suggestions relating to the organization of its work put forward by the Chairman (A/AC.109/L.1755), the Special Committee decided, inter alia, to allocate the following 13 Territories for consideration by the Subcommittee on Small Territories: American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Guam, Montserrat, Tokelau, Turks and Caicos Islands, United States Virgin Islands, Trust Territory of the Pacific Islands, Pitcairn and St. Helena.

2. At its 1379th meeting, on 23 April 1991, following statements by the representatives of Norway, Papua New Guinea, Czechoslovakia, Venezuela, the United Republic of Tanzania, Cuba, Sierra Leone, New Zealand and Trinidad and Tobago, as well as by the Chairman, the Special Committee decided to establish an open-ended Working Group to conduct an in-depth study on the Committee's approach, methods and procedures and to make recommendations thereon to the Special Committee. At the same meeting, the Special Committee appointed Mr. Renagi Renagi Lohia (Papua New Guinea), Chairman of the Subcommittee on Petitions, Information and Assistance, as Chairman of the Working Group. The Working Group met from 29 April 1991 to 23 May 1991.

3. At the 1380th meeting, on 24 May 1991, the Chairman of the above-mentioned Working Group introduced the report of the Working Group (A/AC.109/L.1756). Following statements by the Acting Chairman and the representative of Norway (A/AC.109/PV.1380), the Special Committee adopted the report of the Working Group and endorsed the recommendations contained therein which included the consolidation into an omnibus resolution, of the decolonization principles that apply to all Non-Self-Governing Territories, followed by a series of short draft resolutions on each of the following 10 Territories: American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Guam, Montserrat, Tokelau, Turks and Caicos Islands and United States Virgin Islands.

4. The present chapter contains an account of the Special Committee's consideration of the 13 Territories (see sect. B), as well as its recommendations thereon to the General Assembly at its forty-sixth session (see sect. D).

5. In its consideration of the items, the Special Committee took into account the provisions of General Assembly resolution 45/34 of 20 November 1990 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 12 of that resolution, the Assembly requested the Committee "to continue to seek suitable means for the immediate and full implementation of General Assembly resolution 1514 (XV) in all Territories that have not yet attained independence and, in particular ... to continue to pay special attention to the small Territories, in particular through the dispatch of visiting missions to those Territories whenever the Special Committee deems it appropriate, and to recommend to the General Assembly the most suitable steps to be taken to enable the populations of those Territories to exercise their right to self-determination and independence". The Committee also took into account relevant resolutions and decisions adopted by the Assembly on the Territories as well as Assembly

resolution 45/33 of 20 November 1990 on the thirtieth anniversary of the Declaration.

6. In their capacity as administering Powers concerned and in accordance with established procedures, the delegations of New Zealand and the United States of America continued to participate in the work of the Special Committee; New Zealand in relation to Tokelau, and the United States to American Samoa, the United States Virgin Islands and Guam. The latter delegation did not take part in the Committee's consideration of the Trust Territory of the Pacific Islands.

7. The delegation of the United Kingdom of Great Britain and Northern Ireland, an administering Power concerned, did not participate in the Special Committee's consideration of the Territories under its administration. 1/

8. The representative of the Governor of the United States Virgin Islands participated in the work of the Special Committee in its consideration of the question of the United States Virgin Islands.

B. Consideration by the Special Committee

9. The Special Committee considered the question of the 13 Territories at its 1387th and 1393rd meetings on 9 and 14 August 1991, respectively. In accordance with a decision taken at its 1383rd meeting, on 7 August, the Special Committee heard a statement by Mr. Carlyle Corbin, representative of the Governor of the United States Virgin Islands, at its 1386th meeting, on 8 August, on the question of the United States Virgin Islands. Mr. Corbin also replied to a question put to him by the representative of Cuba. The representative of Norway made a statement (A/AC.109/PV.1386).

10. During its consideration of the items, the Special Committee had before it working papers prepared by the Secretariat on the Territories (A/AC.109/1056-1064 and 1064/Corr.1; A/AC.109/1065-1068 and 1068/Corr.1; A/AC.109/1069-1071; A/AC.109/1073, 1075-1078).

11. The Special Committee also had before it the report of the Working Group on the review of the Committee's approach and method of work (A/AC.109/L.1756). It also had before it the reports of the Subcommittee on Small Territories containing an account of its consideration of those Territories (A/AC.109/L.1762-L.1765 and A/AC.109/L.1765/Corr.2).

12. The reports of the Subcommittee on Small Territories were based on a thorough review by the Subcommittee of the political, economic and social conditions in each of the Territories in the light of information provided by the administering Powers under article 73 e of the Charter of the United Nations, of statements of the representatives of the administering Powers and Territorial Governments who participated in the discussions, as well as information furnished by petitioners and other sources, including regional and international organizations.

13. In the course of the above review, the Subcommittee also considered, in particular, such issues as the following:

(a) The quality and timeliness of the information contained in the working papers prepared by the Secretariat on the above Territories;

(b) The obligation of the administering Powers under the Charter of the United Nations to provide timely and up-to-date information on the Territories under their administration;

(c) The need to dispatch United Nations visiting missions to the Territories as a means of obtaining first-hand information on these Territories;

(d) The constitutional situation particularly in the Territories where a constitutional review is under way or planned;

(e) Residency requirements in some Territories for voting in referendums for self-determination;

(f) Measures to be taken to increase the participation of representatives of Non-Self-Governing Territories in the work of the Special Committee;

(g) Progress achieved in the field of political education;

(h) The position of the local political parties on the question of self-determination and independence;

(i) The membership and participation of the Territories in regional and international organizations;

(j) The question of military installations in some of these Territories and the impact, if any, that a withdrawal of such military installations may have on their economies;

(k) The percentage of expatriates in the local civil service and the need to intensify the training of local personnel in order to increase their participation in the decision-making process;

(l) The heavy dependency of the majority of the Territories on tourist and international finance industries and the need to diversify the economies of these Territories;

(m) Land ownership by foreigners and the related question of access to beaches by the local populations;

(n) The preservation of the environment and the protection of the surrounding areas of the Territories against ecological degradation and natural disasters;

(o) Illegal activities including drug trafficking and money laundering by some interest groups in some of the Territories and efforts by the territorial Governments, assisted by the administering Powers, as well as by regional and international organizations, to eliminate those activities;

(p) The granting of fishing licences and the related question of illegal fishing in the territorial waters of some of the Territories; and

(q) The response of the international community to the urgent needs of the Territories struck by hurricanes.

14. At the 1387th meeting of the Special Committee on 9 August 1991, the Rapporteur of the Subcommittee on Small Territories introduced the reports of the Subcommittee on: Pitcairn (A/AC.109/L.1762); St. Helena (A/AC.109/L.1763); the Trust Territory of the Pacific Islands (A/AC.109/L.1764); and the 10 other Territories (A.AC.109/L.1765 and Corr.2), containing an account of the Subcommittee's consideration of the Territories (A/AC.109/PV.1387).

15. At the same meeting, in accordance with requests for hearing granted at its 1381st and 1383rd meetings, on 1 and 7 August respectively, the Special Committee heard statements on the United States Virgin Islands from Ms. Judith Bourne, on behalf of Save Long Bay Coalition, Inc. (A/AC.109/PV.1387) and Ms. Aurelia Rashid, on behalf of Virgin Islands 2000 (A/AC.109/PV.1387); on Guam, from Mr. Ron Rivera, on behalf of the Organization of People for Indigenous Rights (A/AC.109/PV.1387); and on the Trust Territory of the Pacific Islands from Mr. J. A. Gonzalez-Gonzalez (A/AC.109/PV.1387).

16. At its 1393rd meeting, on 14 August 1991, the Special Committee adopted the reports of the Subcommittee on Small Territories on Pitcairn, St. Helena and the Trust Territory of the Pacific Islands and approved the draft decisions contained in the reports on Pitcairn and St. Helena, and the draft resolution contained in the report on the Trust Territory. It was understood that reservations expressed by Norway, Chile, Czechoslovakia and Bulgaria (A/AC.109/PV.1393) concerning the draft resolution on the Trust Territory of the Pacific Islands would be reflected in the record of the meeting.

17. At the same meeting, the Acting Chairman drew attention to the report of the Subcommittee on Small Territories on American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Tokelau, the Turks and Caicos Islands and the United States Virgin Islands, and to the draft omnibus resolution contained therein. The representative of Norway proposed the following oral revisions to the draft omnibus resolution:

(a) The following preambular paragraph was deleted from part B (all Territories):

> "Bearing in mind the fragile economy of ... and its vulnerability to natural disasters and environmental degradation, and recalling General Assembly resolutions and the recommendations of the Meeting of Governmental Experts of Island Developing Countries and Donor Countries and Organizations, held in New York from 25 to 29 June 1990."

and added to part A as the ninth preambular paragraph reading as follows:

"Bearing in mind the fragile economy of the small Territories and their vulnerability to natural disasters and environmental degradation, and recalling General Assembly resolutions and the recommendations of the Meeting of Governmental Experts of Island Developing Countries and Donor Countries and Organizations, held in New York from 25 to 29 June 1990, 5/

"5/ A/CONF.147/5-TD/B/AC.46/4."

(b) The following operative paragraph was deleted from part B (all Territories) and added to part A as operative paragraph 15:

"Requests the specialized agencies and other organizations of the United Nations system, in formulating their assistance programmes, to take due account of the text entitled 'Challenges and opportunities: A strategic framework', which was adopted unanimously by the Meeting of Governmental Experts of Island Developing Countries and Donor Countries and Organizations;"

18. Also at the 1393rd meeting, following statements by the representatives of Norway, Papua New Guinea, the Union of Soviet Socialist Republics as well as by the Acting Chairman, the Special Committee adopted the report of the Subcommittee on Small Territories and approved the draft omnibus resolution contained therein, as orally revised, it being understood that the comments made by the above-mentioned delegations would be reflected in the record of the meeting and taken into account in the preparation of the Committee's report to the General Assembly. The representative of Cuba made a statement (A/AC.109/PV.1393).

19. On 12 September 1991, the texts of the decisions concerning Pitcairn (A/AC.109/1093) and St. Helena (A/AC.109/1094) were transmitted to the Permanent Representative of the United Kingdom to the United Nations for the attention of his Government. On the same date, the text of the resolution concerning the Trust Territory of the Pacific Islands (A/AC.109/1095) was transmitted to the Permanent Representative of the United States to the United Nations for the attention of his Government.

20. On 16 September 1991, copies of the omnibus resolution (A/AC.198/1092) were transmitted to the Permanent Representatives of New Zealand, the United Kingdom and the United States, the administering Powers concerned, for the attention of their Government.

21. On 12 September 1991, the text of the resolution on the Trust Territory of the Pacific Islands was transmitted to the President of the Security Council 2/ and to the President of the Trusteeship Council 3/ for the attention of the members of their respective organs.

C. Decision of the Special Committee

22. The texts of the resolutions (A/AC.109/1092 and A/AC.109/1095), as well as the decisions (A/AC.109/1093 and A/AC.109/1094) adopted by the Special

Committee at its 1393rd meeting, on 14 August 1991 (see paras. 16-18) appear under section D, in the form of recommendations of the Special Committee to the General Assembly.

D. Recommendations of the Special Committee

23. In accordance with decisions taken at its 1377th and 1393rd meetings, on 21 February and 14 August 1991, respectively, the Special Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Questions of American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Guam, Montserrat, Tokelau, Turks and Caicos Islands and United States Virgin Islands

A

GENERAL

The General Assembly,

Having considered the questions of American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Guam, Montserrat, Tokelau, Turks and Caicos Islands and United States Virgin Islands,

Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, 4/

Recalling General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and recalling all resolutions and decisions of the United Nations relating to those Territories including, in particular, those resolutions adopted by the General Assembly at its forty-fifth session on the individual Territories covered by the present resolution,

Recalling also General Assembly resolution 1541 (XV) of 15 December 1960 containing the principles which should guide Members in determining whether or not an obligation exists to transmit the information called for under Article 73 e of the Charter of the United Nations,

Conscious of the need to ensure the full and speedy implementation of the Declaration in respect of those Territories, in view of the target set by the United Nations to eradicate colonialism by the year 2000,

Aware of the special circumstances of the geographical location and economic conditions of each Territory, and bearing in mind the necessity of promoting economic stability, diversifying and strengthening further the economies of the respective Territories as a matter of priority,

Conscious of the particular vulnerability of the small Territories to natural disasters and environmental degradation,

Mindful that United Nations visiting missions provide a means of ascertaining the situation in the small Territories, and considering that the possibility of sending further visiting missions to those Territories at an appropriate time and in consultation with the administering Powers should be kept under review,

Noting with appreciation the contribution to the development of some Territories by specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme, as well as regional institutions such as the Caribbean Development Bank,

Bearing in mind the fragile economy of the small Territories and their vulnerability to natural disasters and environmental degradation, and recalling General Assembly resolutions and the recommendations of the Meeting of Governmental Experts of Island Developing Countries and Donor Countries and Organizations, held in New York from 25 to 29 June 1990, 5/

Taking note of the conclusions and recommendations of the United Nations regional seminars on decolonization held in 1990 in commemoration of the thirtieth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples, as well as the position taken by the territorial Governments contained in the reports of the seminars,

1. Approves the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Tokelau, the Turks and Caicos Islands and the United States Virgin Islands; 4/

2. Reaffirms the inalienable right of the people of those Territories to self-determination and independence in conformity with the Charter of the United Nations and General Assembly resolution 1514 (XV) containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

3. Reaffirms that it is ultimately for the people of those Territories themselves to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly and, in that connection, calls upon the administering Powers, in cooperation with the territorial Governments, to facilitate programmes of political education in the Territories in order to foster an awareness among the people of the possibilities open to them in the exercise of their right to self-determination, in conformity with the legitimate political status options clearly defined in General Assembly resolution 1541 (XV);

4. Reiterates that it is the responsibility of the administering Powers to create such conditions in the Territories as will enable their people to exercise freely and without interference their inalienable right to self-determination and independence;

5. Also reiterates the view that such factors as territorial size, geographical location, size of population and limited natural resources should in no way serve as a pretext to delay the speedy exercise by the peoples of those Territories of their inalienable right to self-determination;

6. Reaffirms the responsibility of the administering Powers under the Charter to promote the economic and social development and to preserve the cultural identity of those Territories, and recommends that priority should continue to be given, in consultation with the territorial Governments concerned, to the strengthening and diversification of their respective economies;

7. Urges the administering Powers, in cooperation with the territorial Governments concerned, to take or continue to take effective measures to safeguard and guarantee the inalienable right of the peoples of those Territories to own, develop or dispose of the natural resources of those Territories, including marine resources, and to establish and maintain control over the future development of those resources;

8. Also urges the administering Powers to take all necessary measures to protect and conserve the environment of the Territories under their administration against any environmental degradation, and requests the specialized agencies concerned to continue to monitor environmental conditions in those Territories;

9. Calls upon the administering Powers to continue to take all necessary measures, in cooperation with the respective territorial Governments, to counter problems related to drug trafficking;

10. Urges the administering Powers to foster or continue to foster close relations between the Territories and other island communities in their respective regions, and to promote cooperation between the respective territorial Governments and regional institutions, as well as the specialized agencies and other organizations of the United Nations system;

11. Also urges the administering Powers to cooperate or continue to cooperate with the Special Committee in its work by providing timely and up-to-date information for each Territory under their administration, in accordance with Article 73 e of the Charter, and by facilitating the dispatch of visiting missions to the Territories to secure first-hand information thereon and to ascertain the wishes and aspirations of the inhabitants;

12. Appeals to the administering Powers to continue or to resume their participation in future meetings and activities of the Special Committee and to ensure the participation in the work of the Special Committee of representatives of the Non-Self-Governing Territories;

13. Urges Member States to contribute to the efforts of the United Nations to achieve the eradication of colonialism by the year 2000, and calls upon them to continue to give their full support to the Special Committee's action towards the attainment of that objective;

14. Invites the specialized agencies and other organizations of the United Nations system to initiate or to continue to take all necessary measures to accelerate progress in the social and economic life of those Territories;

15. Requests the specialized agencies and other organizations of the United Nations system, in formulating their assistance programmes, to take due account of the text entitled "Challenges and opportunities: A strategic framework", which was adopted unanimously by the Meeting of Governmental Experts of Island Developing Countries and Donor Countries and Organizations; 1/

16. Requests the Special Committee to continue the examination of the question of the small Territories and to recommend to the General Assembly the most suitable steps to be taken to enable the populations of those Territories to exercise their right to self-determination and independence and to report thereon to the Assembly at its forty-seventh session.

B

INDIVIDUAL TERRITORIES

I. American Samoa

The General Assembly,

Referring to resolution A above,

[Having heard the statement of the representative of the United States of America as the administering Power,]

Recalling the dispatch in 1981 of a United Nations visiting mission to the Territory,

1. Welcomes the measures taken by the territorial Government during 1990 to implement the American Samoa Environmental Act by protecting and conserving marine resources and by preventing the pollution of its territorial waters;

2. Calls upon the administering Power, in cooperation with the territorial Government, to promote the economic and social development of the Territory, to reduce its heavy economic and financial dependence on the United States and to take measures to create more employment opportunities for the people of the Territory;

3. Notes that a period of ten years has elapsed since a United Nations mission visited the Territory.

II. Anguilla

The General Assembly,

Referring to resolution A above,

[Having heard the statement of the representative of the United Kingdom of Great Britain and Northern Ireland, as the administering Power,]

Aware of the desire of the people of Anguilla for a higher level of self-government,

Recognizing the contribution of Anguilla's marine resources to its local economy,

Cognizant of the economic and social impact of unemployment in the Territory's communities,

1. Takes note of the results of the general elections of February 1989 and the statement of the Chief Minister that the Government of Anguilla had no intention of moving towards independence during its current term of office;

2. Notes with concern that the administering Power continues to deny further delegation of competence over the Governor's special areas of responsibility to ministers of the territorial Government prior to setting a time-frame for independence;

3. Welcomes the measures taken by the territorial Government and the Organization of Eastern Caribbean States designed to protect and conserve marine resources and to control the activities of foreign fishermen operating illegally in the area, but expresses its preoccupation over the continued illegal operation of foreign fishing vessels within the territorial waters of Anguilla;

4. Notes with satisfaction the measures being taken by the territorial Government, aimed at alleviating the problems of unemployment and at providing increased job opportunities, and urges the administering Power, in cooperation with the territorial Government, to continue to provide the assistance necessary to increase the employment of local personnel in the civil service and other sectors of the economy.

III. Bermuda

The General Assembly,

Referring to resolution A above,

[Having heard the statement of the representative of the United Kingdom of Great Britain and Northern Ireland, as the administering Power,]

Reaffirming its strong conviction that the presence of military bases and installations in the Territory could, in certain circumstances, constitute an obstacle to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Noting that, following the general elections of 1989 during which the ruling United Bermuda Party retained power in the House of Assembly, its leader, the Prime Minister, stated that the question of independence was no longer a major issue and that his Government would pay special attention to the problem of drug trafficking and the laundering of illegal money, as well as to the question of overcrowding of the Territory,

Noting also the view of the leader of the Progressive Labour Party that independence would help to unify the people of Bermuda, and further noting that the Governor of Bermuda has stated that the complexities confronting Bermuda require different solutions and call for larger participation of individuals from all segments of the population,

Noting that in January 1988 the Government of Bermuda started work on a new development plan for the Territory and announced that it would involve the public as closely as possible in its preparation,

Noting also that the Territory has never been visited by a United Nations visiting mission,

1. Calls upon the administering Power to ensure that the presence of military bases and installations in the Territory would not constitute an obstacle to the implementation of the Declaration nor hinder the population of the Territory from exercising its right to self-determination and independence in conformity with the purposes and principles of the Charter of the United Nations;

2. Calls upon the administering Power, in cooperation with the territorial Government, to take specific measures aimed at ensuring the Territory's economic and social stability, taking into account the recommendations made by the Working Group appointed in January 1989, to study the main area covered by the development plan;

3. Calls upon the administering Power to continue to take all necessary measures, in cooperation with the territorial Government, to counter problems related to drug trafficking;

4. Calls upon the administering Power to facilitate the dispatch of a United Nations visiting mission to the Territory.

IV. British Virgin Islands

The General Assembly,

Referring to resolution A above,

[Having heard the statement of the representative of the United Kingdom of Great Britain and Northern Ireland, as the administering Power,]

Taking note of the general elections held in the Territory on 12 November 1990, and noting also that the question of the future political status of the Territory was not an election issue,

Noting the participation of the Territory as an associate member in some regional and international organizations and its applications for similar membership in the Food and Agriculture Organization of the United Nations and in the Caribbean Community,

Recalling General Assembly resolution 44/3 of 12 October 1989 on the emergency assistance to the British Virgin Islands and other Caribbean countries that were struck by Hurricane Hugo,

Taking into account the statement of the Chief Minister that the economy of the Territory recorded sustained growth in 1990, and the report of the Caribbean Development Bank that that favourable economic trend would probably continue,

Recalling the dispatch in 1976 of a United Nations visiting mission to the Territory,

Noting the substantial proportion of land owned by expatriates and the concerns of local groups and individuals over the sale of land to foreigners, which could give rise to environmental issues and which interferes with the right of the local people to free access to their beaches,

1. Calls upon the administering Power to facilitate the admission of the British Virgin Islands to associate membership in the Food and Agriculture Organization of the United Nations and in the Caribbean Community, as well as its participation in other regional and international organizations as identified by the territorial Government;

2. Also calls upon the administering Power, in cooperation with the territorial Government, to provide the necessary assistance to the Territory to develop and diversify its economy, through, inter alia, the revitalization of agriculture, the promotion of industrial development and the establishment of intersectoral linkages;

3. Notes with satisfaction the measures being taken by the territorial Government to prevent drug trafficking and money laundering and urges the administering Power to continue its assistance to the Territory in these endeavours;

4. Urges the regional and international financial institutions, as well as the specialized agencies and other organizations of the United Nations system to assist the Government of the British Virgin Islands in identifying its medium- and long-term needs and to increase their participation in the recovery and reconstruction of the Territory;

5. Notes with regret that a period of fifteen years has elapsed since a United Nations mission visited the Territory.

V. Cayman Islands

The General Assembly,

Referring to resolution A above,

[Having heard the statement of the representative of the United Kingdom of Great Britain and Northern Ireland, as the administering Power,]

Taking note of the constitutional review being conducted in the Cayman Islands by the Constitutional Commission appointed by the administering Power,

Noting the measures being taken by the territorial Government to promote agricultural production with a view to reducing the Territory's heavy dependence on imported provisions,

Expressing its concern that property and land continue to be owned and developed largely by foreign investors,

Noting that a large proportion of the labour force of the Territory consists of expatriates and that there is a need for the training of nationals in the technical, vocational, managerial and professional fields,

Noting also the action taken by the territorial Government to implement its localization programme to promote increased participation of the local population in the decision-making process in the Cayman Islands,

Noting with concern the vulnerability of the Territory to drug trafficking and related activities,

Noting with satisfaction the efforts of the territorial Government, the Governments of other countries of the region and of the United Kingdom of Great Britain and Northern Ireland, as the administering Power, to prevent and repress illicit activities such as money laundering, funds smuggling, false invoicing, other forms of white-collar fraud as well as the use and trafficking of illegal drugs,

Recalling the dispatch in 1977 of a United Nations visiting mission to the Territory,

1. Requests the administering Power to expedite the constitutional review exercise in the Territory in close cooperation with the territorial Government and in conformity with the wishes and aspirations of the Caymanian population with a view to enabling the people of the Cayman Islands to exercise their inalienable right to self-determination;

2. Calls upon the administering Power, in consultation with the territorial Government, to continue to promote the agricultural development of the Cayman Islands by aiming at reducing the Territory's dependence on imported food supplies;

3. Urges the administering Power, in consultation with the territorial Government, to continue to facilitate the expansion of the current localization programme;

4. Calls upon the administering Power to continue to take all necessary measures, in cooperation with the territorial Government, to counter problems related to money laundering, funds smuggling, various forms of white-collar crimes, as well as to drug trafficking;

5. Notes with regret that a period of fourteen years has elapsed since a United Nations mission visited the Territory.

VI. Guam

The General Assembly,

Referring to resolution A above,

[Having heard the statement of the representative of the United States of America, as the administering Power,]

Reaffirming its strong conviction that the presence of military bases and installations in the Territory could, in certain circumstances, constitute an obstacle to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Aware that large tracts of land in the Territory continue to be reserved for the use of the Department of Defense of the administering Power,

Taking note that the administering Power has undertaken a programme of transferring surplus federal land to the Government of Guam,

Noting the potential for diversifying and developing the economy of Guam through commercial fishing and agriculture,

Taking note of the statement of the representative of the administering Power regarding the presence of military bases and installations in the Territory,

Recalling the dispatch in 1979 of a United Nations visiting mission to the Territory,

1. Calls upon the administering Power to ensure that the presence of military bases and installations in the Territory would not constitute an obstacle to the implementation of the Declaration nor hinder the population of the Territory from exercising its right to self-determination and independence in conformity with the purposes and principles of the Charter of the United Nations;

2. Calls upon the administering Power, in cooperation with the territorial Government, to expedite the transfer of land to the people of the Territory and to take the necessary steps to safeguard their property rights;

3. Urges the administering Power to support measures by the territorial Government aimed at removing constraints to growth in commercial fishing and agriculture;

4. Notes that a period of twelve years has elapsed since a United Nations mission visited the Territory.

VII. Montserrat

The General Assembly,

Referring to resolution A above,

[Having heard the statement of the representative of the United Kingdom of Great Britain and Northern Ireland, as the administering Power,]

Recalling the devastation caused by Hurricane Hugo in September 1989 and the recovery efforts of the territorial Government, in conjunction with the administering Power and the international community,

Taking into account the membership of Montserrat in regional and international bodies and the statement of the representative of the United Nations Educational, Scientific and Cultural Organization regarding the Territory's outstanding request for readmission to associate membership in that organization,

Noting the statement of the Chief Minister that the current rate of economic growth could not be maintained,

Taking note of the policy of the territorial Government to control the growth and upgrade the efficiency of the public service,

Recalling the dispatch of a United Nations visiting mission to the Territory in 1975 and 1982,

1. Urges the administering Power to continue to intensify and expand its programme of aid in order to accelerate the development of the economic and social infrastructure of the Territory;

2. Reiterates its call upon the administering Power, in cooperation with the Government of Montserrat, to take the necessary steps to facilitate the readmission of Montserrat as an associate member of the United Nations Educational, Scientific and Cultural Organization;

3. Requests the administering Power to secure the assistance of the specialized agencies and other organizations of the United Nations system as well as regional and other multilateral financial institutions, in the strengthening, development and diversification of the economy of Montserrat;

4. Urges the administering Power, in cooperation with the territorial Government, to provide the necessary assistance for the training of local personnel in the skills essential to the development of the Territory and to encourage skilled workers to remain in the Territory;

5. Notes with regret that a period of nine years has elapsed since a United Nations mission visited the Territory.

VIII. Tokelau

The General Assembly,

Referring to resolution A above,

[Having heard the statement of the representative of New Zealand, the administering Power,]

Noting the continuing devolution of power to the local authority, the General Fono (Council), and mindful that the cultural heritage and traditions of the people of Tokelau should be taken fully into account in the evolution of Tokelau's political institutions,

Taking note of Tokelau's endeavours to develop its marine and other resources, and its efforts to diversify the income-earning ability of its population,

Welcoming the information that Tokelau's wish to pursue avenues that give greater political autonomy to its leadership remains keen, while it wishes to maintain its current relationship with the administering Power,

Noting with appreciation the relief assistance extended to Tokelau by the administering Power, other Member States and international organizations, in particular the United Nations Development Programme and the Office of the United Nations Disaster Relief Coordinator, following the natural disasters caused by cyclone Ofa in February 1990,

1. Encourages the Government of New Zealand, the administering Power, to continue to respect fully the wishes of the people of Tokelau in carrying out the Territory's political and economic development in order to preserve their social, cultural and traditional heritage;

2. Calls upon the administering Power, in consultation with the General Fono (Council), to continue to expand its development assistance to Tokelau in order to promote the economic and social development of the Territory;

3. Takes note of Tokelau's plan to transfer the Office for Tokelau Affairs from Apia in Western Samoa to Tokelau itself, as well as New Zealand's support for the transfer, and invites the administering Power to continue to provide maximum assistance to the Territory in this regard;

4. Invites all governmental and non-governmental organizations, financial institutions, Member States and organizations of the United Nations system to grant or to continue to grant Tokelau special emergency economic assistance to mitigate the effects of cyclone Ofa and to enable the Territory to meet its medium- and long-term reconstruction and rehabilitation requirements.

IX. Turks and Caicos Islands

The General Assembly,

Referring to resolution A above,

[Having heard the statement of the representative of the United Kingdom of Great Britain and Northern Ireland, as the administering Power,]

Noting the entry into force of the new Constitution under the Turks and Caicos Islands Constitution Order 1988,

Noting the holding of general elections on 3 April 1991 and the return to power of the Progressive National Party after three years in opposition,

Noting the establishment under the 1988 Constitution, of a Public Service Commission to advise the Governor on civil service matters, and of a Public Service Training Board under the Commission to advise on, and assist in, the supervision of policies and programmes for the training of public officers at all levels,

Noting the enactment in May 1990 of an Immigration Bill designed to effect improved regulations governing the status of immigrants and migrant workers,

Noting with satisfaction the arrangements made to make university-level education available to the Turks and Caicos Islanders,

Recalling the dispatch in 1980 of a United Nations visiting mission to the Territory,

1. Urges the administering Power, in consultation with the territorial Government, to continue to provide the necessary assistance for the localization of the civil service at all levels and for the training of local personnel;

2. Notes with satisfaction the opening in February 1990 of the School of Field Studies on South Caicos, the first university-level institution in the Territory, as well as the arrangements made by the Government of the Bahamas enabling qualified students from the Islands to attend the College of the Bahamas on scholarships provided by the Government of the Bahamas;

3. Takes note that, as a result of the manpower review undertaken in 1989, a number of measures have been taken to strengthen and restructure the public service, including the establishment of new posts and the regrading of existing posts;

4. Notes with regret that a period of eleven years has elapsed since a United Nations mission visited the Territory.

X. United States Virgin Islands

The General Assembly,

Referring to resolution A above,

[Having heard the statement of the representatives of the United States of America as the administering Power,]

Having also heard the statement of the representatives of the Governor of the United States Virgin Islands,

Noting that legislation has been introduced in the Virgin Islands Senate to postpone the referendum on political status until 1993,

Noting also that the extension to ninety days of the residency requirement for voting has not addressed the concerns of the representatives of the territorial Government and those of the Status Commission regarding the eligibility to participate in a referendum of self-determination,

Noting further that discussions are continuing between the territorial Government and the administering Power over the transfer of the ownership of Water Island to the Territory at the end of its lease in December 1992,

Taking note of the continued concerns of the Long Bay Coalition over the reclamation and development of submerged land at Long Bay in the Charlotte Amalie Harbour,

Noting the continuing interest of the territorial Government in seeking associate membership in the Organization of Eastern Caribbean States and in the Caribbean Community,

Recalling the dispatch in 1977 of a United Nations visiting mission to the Territory and the outstanding request by the territorial Government for a further visiting mission to the Territory,

1. Calls upon the administering Power, in cooperation with the territorial Government, to consider a review of the residency requirement for those eligible to participate in a genuine exercise of the right to self-determination in the United States Virgin Islands;

2. Urges the administering Power to ensure the transfer of Water Island to the Territory at the end of 1992 and to further ensure that the permanent sovereignty of the territorial Government over the Territory's natural resources are fully respected and safeguarded;

3. Requests the administering Power to assist the Government of the United States Virgin Islands in securing the means to acquire the reclaimed and submerged land at Long Bay in the Charlotte Amalie Harbour from the West Indies Company;

4. Reiterates its requests to the administering Power to facilitate the participation of the Territory in the Organization of Eastern Caribbean States and the Caribbean Community, as well as in various international and regional organizations, including the Caribbean Group for Cooperation and Economic Development of the World Bank;

5. Calls upon the administering Power to respond favourably to the request of the territorial Government for the dispatch of a United Nations visiting mission to the Territory.

DRAFT RESOLUTION II

Question of the Trust Territory of the Pacific Islands

The General Assembly,

Referring to resolution A on the questions of American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Guam, Montserrat, Tokelau, Turks and Caicos Islands and United States Virgin Islands,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Trust Territory of the Pacific Islands, 4/

Taking note of the Trusteeship Agreement concluded between the Administering Authority and the Security Council with regard to the Trust Territory of the Pacific Islands, 6/

Mindful that, under Article 83 of the Charter of the United Nations, the Security Council shall exercise all functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment,

Confident that special attention will continue to be given by the Security Council to the full implementation of all provisions of the Trusteeship Agreement,

Noting that the Administering Authority has taken measures to distribute the financial payments for unpaid war damage claims to the people of the Trust Territory, and expressing the hope that all remaining claims will be settled in the near future,

Bearing in mind the right of the people of the Trust Territory to oppose the presence of nuclear, chemical and biological weapons in areas under their territorial jurisdiction,

1. Approves the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Trust Territory of the Pacific Islands; 4/

2. Reaffirms the importance of ensuring that the people of the Trust Territory of the Pacific Islands fully and freely exercise their inalienable rights and that the obligations of the Administering Authority under the Trusteeship Agreement 6/ and the Charter of the United Nations are duly discharged;

3. Takes note of the adoption by the Security Council of resolution 683 (1990) on 22 December 1990, by which it determined, in the light of the entry into force of the new status agreements for the Federated States of Micronesia, the Marshall Islands and the Northern Mariana Islands, that the objectives of the Trusteeship Agreement had been fully attained and that the applicability of the Trusteeship Agreement had terminated with respect to those entities;

4. Expresses the hope that Palau, the only remaining Territory under the Trusteeship Agreement, will be able to complete the process of exercising its right to self-determination in due course;

5. Takes note of the fact that the Trusteeship Council, at its fifty-eighth session, welcomed the assurance of the Administering Authority that it was prepared to assist the Government of Palau, at its request, in any appropriate endeavour leading to the final determination of a political status for Palau, in accordance with the free choice of its people, 7/ and calls upon the Administering Authority to discharge its responsibilities in that connection, in strict conformity with the provisions of the Charter, particularly Article 83, and the Declaration on the Granting of Independence to Colonial Countries and Peoples;

6. Urges the Administering Authority to assist the maritime authorities of the Trust Territory in strengthening the existing legislation concerning the exploitation, management and conservation of a 200-mile exclusive economic zone, and reaffirms its conviction that the rights of the people of Palau over such a zone should be respected and that they should receive all benefits deriving from it;

7. Stresses the need to preserve the cultural identity and heritage of the people of Palau, and calls upon the Administering Authority to take all necessary steps towards that end;

8. Takes note of the interest of the people of the Trust Territory in the creation of a nuclear-free zone in the Pacific.

9. Requests the Special Committee to continue the examination of this question at its next session and to report thereon to the General Assembly at its forty-seventh session.

24. The Special Committee also recommends to the General Assembly the adoption of the following draft decisions:

DRAFT DECISION I

Question of Pitcairn

The General Assembly, having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, 4/ reaffirms the inalienable right of the people of Pitcairn to self-determination in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, which fully applies to the Territory. The Assembly further reaffirms the responsibility of the administering Power to promote the economic and social development of the Territory. The Assembly urges the administering Power to continue to respect the very individual lifestyle that the people of the Territory have chosen and to preserve, promote and protect it. The Assembly requests the Special Committee to continue to examine the question of Pitcairn at its next session and to report thereon to the Assembly at its forty-seventh session.

DRAFT DECISION II

Question of St. Helena

The General Assembly, having examined the relevant chapters of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, 8/ reaffirms the inalienable right of the people of St. Helena to self-determination and independence in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960. The Assembly urges the administering Power, in consultation with the Legislative Council and other representatives of the people of St. Helena, to continue to take all necessary steps to ensure the speedy implementation of the Declaration in respect of the Territory and, in that connection, reaffirms the importance of promoting an awareness among the people of St. Helena of the possibilities open to them in the exercise of their right to self-determination. The Assembly reaffirms the responsibility of the administering Power to promote the economic and social development of the Territory and calls upon the administering Power to continue, in cooperation with the territorial Government, to strengthen the economy and to increase its assistance to diversification programmes. The Assembly urges the administering Power, in cooperation with the territorial Government, to continue to take effective measures to safeguard and guarantee the inalienable right of the people of St. Helena to own and dispose of the natural resources of the Territory, including marine resources, and to establish and maintain control over the future development of those resources. The Assembly expresses the view that the administering Power should continue to implement infrastructure and community development projects aimed at improving the general welfare of the community, including the unemployment situation, and to encourage local initiative and enterprise, particularly in the areas of fisheries development, forestry, handicrafts and agriculture. The Assembly reaffirms that continued development assistance from the administering Power, together with any

assistance that the international community might be able to provide, constitutes an important means of developing the economic potential of the Territory and of enhancing the capacity of its people to realize fully the goals set forth in the relevant provisions of the Charter of the United Nations. The Assembly, in that connection, welcomes the assistance rendered by the United Nations Development Programme and invites other organizations of the United Nations system to assist in the development of the Territory. The continued presence of military facilities in the Territory prompts the Assembly, on the basis of previous United Nations resolutions and decisions concerning military bases and installations in colonial and Non-Self-Governing Territories, to urge the administering Power to take measures to avoid the involvement of the Territory in offensive acts or interference against neighbouring States. The Assembly considers that the possibility of dispatching a United Nations visiting mission to St. Helena at an appropriate time should be kept under review, and requests the Special Committee to continue to examine the question of St. Helena at its next session, and to report thereon to the Assembly at its forty-seventh session.

Notes

1/ Official Records of the General Assembly, Forty-first session, Supplement No. 23 (A/41/23), chap. I, paras. 76 and 77).

2/ S/23035.

3/ T/1959.

4/ The present chapter.

5/ A/CONF.147/5-TD/B/AC.46/4.

6/ Trusteeship Agreement for the Trust Territory of the Pacific Islands (United Nations publication, Sales No. 1957.VI.A.1).

7/ T/L.1278, annex, para. 3.

8/ A/46/23 (Part II), chap. III and the present chapter.

UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/46/23 (Part VII)
10 October 1991

ORIGINAL: ENGLISH

Forty-sixth session
Agenda items 39 and 19

REPORT OF THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES*

(covering its work during 1991)

Rapporteur: Mr. Mohammad Najdat SHAHEED (Syrian Arab Republic)

CHAPTER X

FALKLAND ISLANDS (MALVINAS)

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* This document contains chapter X of the Special Committee's report to the General Assembly. The general introductory chapter will be issued under the symbol A/46/23 (Part I). Other chapters of the report will be issued under the symbol A/46/23 (Parts II-VI). The complete report will be issued subsequently as Official Records of the General Assembly, Forty-sixth Session, Supplement No. 23 (A/46/23).

CHAPTER X

FALKLAND ISLANDS (MALVINAS)

A. Consideration by the Special Committee

1. At its 1377th meeting, on 21 February 1991, by adopting the suggestions relating to the organization of its work put forward by the Chairman (A/AC.109/L.1755), the Special Committee decided, inter alia, to take up the question of the Falkland Islands (Malvinas) as a separate item and to consider it at its plenary meetings.

2. The Special Committee considered the Territory at its 1381st, 1383rd, 1386th, 1387th and 1394th meetings, between 1 and 14 August 1991.

3. In its consideration of the item the Special Committee took into account General Assembly decision 45/424 of 12 December 1990, as well as other relevant resolutions and decisions.

4. During its consideration of the item, the Special Committee had before it a working paper prepared by the Secretariat containing information on developments concerning the Territory (A/AC.109/1084).

5. At its 1381st, 1383rd and 1386th meetings, on 1, 7 and 8 August, the Committee granted requests for hearing to Miss Norma Edwards of the Legislative Council of the Falkland Islands (Malvinas), as well as Mr. Lewis Clifton, Mr. Luis Gustavo Vernet and Mr. Juan Scott.

6. At the 1387th meeting, on 9 August, the Acting Chairman drew attention to a draft resolution on the item sponsored by Chile, Cuba and Venezuela (A/AC.109/L.1767).

7. At the same meeting, following a statement by the representative of Cuba, statements were made by Miss Edwards and Messrs. Clifton, Vernet and Scott (A/AC.109/PV.1387).

8. Also at the same meeting, the Acting Chairman informed the Special Committee that the delegation of Argentina had expressed the wish to participate in the Committee's consideration of the item. The Committee decided to accede to the request.

9. At its 1394th meeting, on 14 August, the representative of Venezuela introduced draft resolution A/AC.109/L.1767, on behalf also of Chile and Cuba, referred to in paragraph 6 (A/AC.109/PV.1394).

10. At the same meeting, the representative of Argentina made a statement (see A/AC.109/PV.1394).

11. Also at the same meeting, the Special Committee adopted draft resolution A/AC.109/L.1767 by 2 votes to none, with 3 abstentions (see para. 14).

12. On 16 August, the text of the resolution (A/AC.109/1087) was transmitted to the Permanent Representatives of the United Kingdom of Great Britain and Northern Ireland and of Argentina to the United Nations for the attention of their Governments.

13. The delegation of the United Kingdom, the administering Power concerned, did not participate in the Special Committee's consideration of the item.

B. Decision of the Special Committee

14. The text of the resolution (A/AC.109/1087) adopted by the Special Committee at its 1394th meeting, on 14 August 1991, to which reference is made in paragraph 11, is reproduced below:

The Special Committee,

Having considered the question of the Falkland Islands (Malvinas),

Aware that the maintenance of colonial situations is incompatible with the United Nations ideal of universal peace,

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960, 2065 (XX) of 16 December 1965, 3160 (XXVIII) of 14 December 1973, 31/49 of 1 December 1976, 37/9 of 4 November 1982, 38/12 of 16 November 1983, 39/6 of 1 November 1984, 40/21 of 27 November 1985, 41/40 of 25 November 1986, 42/19 of 17 November 1987 and 43/25 of 17 November 1988 and its resolutions A/AC.109/756 of 1 September 1983, A/AC.109/793 of 21 August 1984, A/AC.109/842 of 9 August 1985, A/AC.109/885 of 14 August 1986, A/AC.109/930 of 14 August 1987, A/AC.109/972 of 11 August 1988, A/AC.109/1008 of 15 August 1989 and A/AC.109/1050 of 14 August 1990 and Security Council resolutions 502 (1982) of 3 April 1982 and 505 (1982) of 26 May 1982,

Distressed that, notwithstanding the time that has elapsed since the adoption of General Assembly resolution 2065 (XX), this prolonged dispute has not yet been settled,

Aware of the interest of the international community in the resumption by the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland of their negotiations in order to find as soon as possible a peaceful, just and lasting solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas),

Expressing its preocupation over the fact that the good level of relations between Argentina and the United Kingdom has not yet led to negotiations on the question of the Falkland Islands (Malvinas),

Considering that this situation should facilitate the resumption of the negotiations in order to find a peaceful solution to the dispute over sovereignty,

Reaffirming the principles of the Charter of the United Nations on the non-use of force or the threat of force in international relations and the peaceful settlement of international disputes,

Calling attention to the importance of the Secretary-General continuing his efforts to give full effect to the mission entrusted to him by the General Assembly in its resolutions on the question of the Falkland Islands (Malvinas),

Reaffirming the need for the parties to take due account of the interests of the population of the islands in accordance with the provisions of the General Assembly resolutions on the question of the Falkland Islands (Malvinas),

1. Reiterates that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland;

2. Takes note with satisfaction of the fact that the Government of Argentina has reiterated, through its Minister for Foreign Affairs at the forty-fifth session of the General Assembly, its will to comply fully with the General Assembly resolutions referring to the question of the Falkland Islands (Malvinas);

3. Regrets that, in spite of such circumstance and of the widespread international support for a negotiation between the Governments of Argentina and the United Kingdom that includes all aspects on the future of the Falkland Islands (Malvinas), the implementation of the General Assembly resolutions on this question has not yet started;

4. Requests the Governments of Argentina and the United Kingdom to consolidate the current process of dialogue and cooperation through the resumption of negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas), in accordance with the provisions of General Assembly resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25;

5. Reiterates its firm support for the mission of good offices of the Secretary-General in order to assist the parties in complying with the request made by the General Assembly in its resolutions on the question of the Falkland Islands (Malvinas);

6. Decides to keep under review the question of the Falkland Islands (Malvinas) subject to the directives that the General Assembly has issued and may issue in that regard.